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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/708,668 | 03/18/2004 | Jianbo Lu | 81095818FGT1902 | 2667 |

28549 7590 09/14/2005
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EXAMINER

ARCE DIAZ, MARLON A

| | |
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| ART UNIT | PAPER NUMBER |
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3611

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,668

Applicant(s)

LU ET AL.

Examiner

Marlon A. Arce-Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32, 34-36, 38-44, 46, 47, 49-51 and 53-60 is/are rejected.
- 7) ☒ Claim(s) 33, 37, 45, 48, 52 and 61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/20/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/18/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The restriction made by the precedent examiner has been disregarded and a search for the claimed apparatus and method were performed. The following are the results of such search.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-7, 12-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 3 and 12 the following subject matter "first and second boost curves" are not disclosed in the specification or in the drawings, the specification does not refer to a first boost curve or a second boost curve, it only refers to sets of boost curves or a single boost curve with letter labels, thereby making the scope of the claim difficult to understand. Claims 4-7, 13-28 depend from the rejected claims and include the matter mention above thereby rendering these dependent claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,11,38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu (US Patent No 6,018,692). Shimizu discloses an automatic steering apparatus to steer the front wheels of a vehicle comprising of a controller (22), adapted to receive signals from steering angle detecting means (S1) for detecting the steering angle, a steering detecting means (S2) for detecting wheel direction and torque since it is inherent that when the amount of torque detected determines the direction of the wheel; a steering actuator (7) based on the steering torque, an automatic parking operation which enables a brake force generated due to at least one factor other than the braking input means (column 1 line 59-67). A desirable speed range of 3km/hr to 10 km/hr is determined to allow the parking operation to start (column 5, line 10-25). An automatic parking starting switch (S8) is operated when the automatic operation is started in the parking mode selected by the mode-selecting switch (S7). When the mode-selecting switch S7 is set to parking mode it sends a signal so that the automatic steering operation is carried out while the braking force detecting means (22a) of controller (22) detects the net braking force applied to any or all the brakes in the vehicle, said braking force is predetermined by the driver so the automatic parking can carry on at the suggested speed. It is also noted that the use of the apparatus disclosed above would result in the method to be perform.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10,29-32,34,35,38-43,53-58 rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US Patent No 6,018,692) in view of Hidaka (US Pub. 2002/0005302). Shimizu discloses an automatic steering apparatus mentioned above. Shimizu fails to mention the use of brake steer to turn the vehicle in a smaller radius and increasing the torque on a specific wheel to allow it to turn while decreasing it in another. Hidaka discloses a working vehicle. The working vehicle has a pair of right and left crawlers (2), a speed change apparatus (25) for imparting traction force to the crawlers, a speed change lever (73) operable to control the speed change apparatus so as to alter running speed of the vehicle in a step-less manner. The vehicle further has a steering apparatus (28) and a steering wheel (19) operable to control the steering apparatus so as to alter difference in the running speeds between the crawlers (2). The running speed generally determined for each crawler by the speed change lever (73) can be decreased voluntarily and proportionally to an operated angle of the steering wheel (19). Both crawlers can be control to spin at different speeds so the vehicle can turn either right or left. It would be obvious for someone skilled in the art to modify Shimizu automatic steering apparatus to include a control in the steering wheel to handle the steering apparatus so as to change the speed between the wheels and

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therefore, reducing the turning radius. Anti-lock brakes are now included in most cars if not all so, it is inherent to include it on motorized vehicles. It is also noted that the use of the apparatus disclosed above would result in the method to be perform.

5. Claims 29,36,44,46,47,49-51,59,60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US Patent No 6,018,692) in view of Hidaka (US Pub. 2002/0005302) as applied to claim 38 above, and further in view of Watson (US Pub. 2001/0042652). Shimizu discloses an automatic steering apparatus mentioned above, Hidaka discloses a working vehicle mentioned above. Shimizu and Hidaka fail to disclose the use of a transfer case to change from 4WD to 2WD. Watson discloses an on demand vehicle drive system comprising of a driver selectable switch (188), said driver switch defines different positions being either a 4WD or 2WD (paragraph 0077,0078), an output shaft / differential (36) to connect the front transmission to the rear wheels. It would be obvious for a person of ordinary skill in the art to modify Shimizu automatic steering to include an output shaft for the rear wheels to make the vehicle operable under 4WD mode by activating the driver selectable switch. It is also noted that the use of the apparatus disclosed above would result in the method to be perform.

Allowable Subject Matter

6. Claims 33,37,45,48,52,61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maekawa (US Pub 2003/0201131). Maekawa discloses a drive force distribution controller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon A. Arce-Diaz whose telephone number is (571) 272-1341. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marlon Arce-Diaz

MAA


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Marlon Arce-Diaz

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